

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HON HAI PRECISION INDUSTRY CO. LTD. :

Plaintiff, :

v. :

WI-LAN INC. :

Defendant. :

Civil Action No. 12-civ-7900 (SAS)

JURY TRIAL DEMANDED

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**DEFENDANT WI-LAN INC.'S NOTICE OF MOTION TO DISMISS
HON HAI PRECISION INDUSTRY CO. LTD.'S COMPLAINT OR,
IN THE ALTERNATIVE, TO STAY**

PLEASE TAKE NOTICE that upon the accompanying declaration of Armita S. Cohen, dated January 7, 2013, and the exhibits attached thereto, and the accompanying memorandum of law in support of this motion, and the pleadings herein, Defendant Wi-LAN Inc., by its attorneys, Vinson & Elkins, L.L.P., respectfully will move this Court, before the Honorable Shira A. Scheindlin, United States District Judge, United States District Court, Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 15C, City of New York, at a date and time to be set by the Court, for an order pursuant to the federal first-to-file rule, and Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint against the Defendant, with prejudice, in favor of a first-filed action pending in the Southern District of Florida, for lack of federal jurisdiction, and for Plaintiff's failure to state a claim upon which relief can be granted. In the alternative, Hon Hai's claims should be stayed pending the resolution of the Florida action.

Dated: January 7, 2013

Respectfully Submitted,

/s/ Constance S. Huttner
Constance S. Huttner
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Attorneys for Defendant Wi-LAN Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule 5.2 via the Court's CM/ECF system on January 7, 2013, and, as such, was served on all counsel of record.

/s/ Constance S. Huttner
Constance S. Huttner